

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – March 7, 2017

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 pm.

Mayor Higgins read the following statement into the record:

“The requirements of the ‘Open Public Meetings Law, P.L. 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and Express-Times and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

Mayor Higgins led everyone in the flag salute.

Roll Call: Heinrich, Higgins, Jones, Klimko, Noone, Thompson, Valle

Absent: None

Also Present: Ann Kilduff, Borough Clerk; Matthew Hall, Borough Manager; Natasha Turchan, Chief Financial Officer; and Lieutenant Teter

PROCLAMATION

Mayor Higgins presented Carly Sopko of Shop Rite with a proclamation designating May 2017 as National Nutrition Month. C. Sopko explained the various nutritional programs available at the store.

Mayor Higgins presented the Jr. Streaks Cheerleading Team with a proclamation recognizing them as the 2017 National Champions.

COUNCIL APPEARANCE

Department of Public Works Supervisor John Burd and Assistant Supervisor Jonathan James updated Council on current and upcoming projects and the needs of the Department. Councilman Jones requested J. Burd and J. James provide him with a list of items needed and State guidelines and requirements.

Mayor Higgins scheduled the Reorganization Meeting of the newly formed Open Space Committee for Wednesday, March 22, 2017 at 7:00 pm in Council Chambers.

EXECUTIVE SESSION

A motion was made by Heinrich, seconded by Klimko, to approve Resolution 2017-72 - Authorizing Executive Session for the purpose of discussing contract negotiations, a personnel matter and a pending litigation matter at 7:30 pm.

Ayes: 7 Nays: 0

Motion Carried

RESOLUTION # 2017-72
AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of

the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____ A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public

(Provision relied upon: _____);

_____ A matter where the release of information would impair a right to receive funds from the federal government;

_____ A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____ A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____ A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

_____ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Investigations of violations or possible violations of the law;

 X Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____)

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

 X Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The

employee(s) and/or general nature of discussion is: _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

A motion was made by Heinrich, seconded by Klimko, to come out of Executive Session at 8:05 pm.

Ayes: 6; Nays: 0; Absent: 1 (Thompson)
Motion Carried

MINUTES

Budget Meeting Minutes of January 31, 2017

A motion was made by Noone, seconded by Valle to approve the Budget Meeting minutes of January 31, 2017.

Ayes: 6; Nays: 0; Absent: 1 (Thompson)
Motion Carried

Executive Session Minutes of January 31, 2017

A motion was made by Noone, seconded by Valle to approve the Executive Session minutes of the Budget Meeting of January 31, 2017.

Ayes: 6; Nays: 0; Absent: 1 (Thompson)
Motion Carried

AUDIENCE

Mayor Higgins opened the audience portion for remarks, petitions, statements and testimony from guests.

Jay Arrington, Poetry in Motion

J. Arrington, President of Poetry in Motion, provided Council with an overview of his project to renovate the Washington Theater. He requested a letter of support from Council to provide as part of his loan application. After a brief discussion, a motion was made by Noone, seconded by Heinrich, to provide a letter to support J. Arrington's efforts to operate a cultural arts center in Washington Borough with no financial responsibility to the Borough.

ROLL CALL: Noone, Heinrich, Jones, Thompson, Valle, Higgins
Ayes: 6; Nays: 0; Abstain: 1 (Klimko)
Motion Carried

Charles Terry Housel, 20 S. Prospect Street

C. Housel spoke of the parking ordinance and the issues on S. Prospect Street. He provided Council with suggestions to alleviate the parking issues and requested these suggestions be included in the minutes. Mayor Higgins agreed and stated the Streets Committee will be discussing these issues.

Charles Terry Housel
20 South Prospect Street
Washington, NJ 07882

In Reference to proposed parking restrictions on South Prospect Street

I have lived in my current residence for 38 years. There has always been parking on our street since we moved in except for a prohibition during overnight hours that was repealed numerous years ago.

For the most part residents respect the needs for other residents to have access to their garages for moving their vehicles in and out.

We have a situation where one resident came before council and suggested that a no parking ban on the street would allow her access to her garage at all times, however a total ban on any parking on the street would place a hardship on some of the residents in the area. This is my reasoning;

- A total no parking ban would not allow visitors any place to park.
- There are 4 homes in the area with no off-street parking. Where would they park?
- Residents with disabilities, myself included, need a place to park to unload groceries and other goods without fear of receiving a ticket.
- As you can see on the diagram I have provided many of the garages are used for storage not for parking.
- The nearest public parking lot is on South Lincoln and it is quite a walk for visitors to maneuver the terrible sidewalks from there to South Prospect Street. (Approx% mile)

So my suggestions are as follows;(see number denoted on diagram)

1. Leave parking on South Prospect as is, however, Install a no parking sign 35 feet north from the curb cutout in front of 24 South Prospect Street. This would allow room for both garages that belong to Mrs. Shaeffer to have access.
2. Remove 3 of the no parking signs in the cul de sac (as designated) to allow parking in this area.
3. The existing no parking sign as designated in #3 would allow ample room for vehicles to have access for turning around and for the Gilby residence to have access to their garage #4. The road at that point is over 40 foot wide with the Gilby garage apron of 7 feet 10 inches. This no parking sign would also allow access for the sewer department to park and maintain the inverted siphon.

I thank you for listening and trust you would take these suggestions under consideration. I would also ask that you include these comments as well as the diagram in your minutes of this meeting.

Jeannine Gleba, 141 Sunrise Terrace

J. Gleba discussed the funds from the Comcast grant with Mayor Higgins and asked for an update of the funds. N. Turchan will provide her with a balance of the account.

Hearing no further comments, a motion was made by Heinrich, seconded by Klimko, to close the audience portion of the meeting.

Ayes: 7 Nays: 0

Motion Carried

REPORTS

A motion was made by Noone, seconded by Thompson, to receive and file the following reports:

1. Manager's Personnel Report for February
2. Washington Township Police Department – Press Release of February 18, 2017
3. DPW – Monthly Report for February
4. Zoning/Code Enforcement – Monthly Report for February

Discussion

M. Hall explained Matt Lopez will be taking over Code Enforcement, Zoning Officer, and Fire Official duties. He and Council thanked Rudy Bescherer for his time in the Borough.

Ayes: 6 Nays: 0 Absent: 1 (Valle)

Motion Carried

COMMITTEE REPORTS

Streets Committee – Councilwoman Klimko stated two catch basins will be replaced on Cornish Street before it is milled, paved and repitched. She is waiting on the permit from the DOT for the Midblock Crossing.

ORDINANCES

Ordinance 2017-02 – Calendar Year 2017 – Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (Introduction)

**ORDINANCE 2017-02
CALENDAR YEAR 2017
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough of Washington in the County of Warren finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough of Washington hereby determines that a 3.5 % increase in the budget for said year, amounting to \$90,030.42 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough of Washington hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough of Washington, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Washington Borough shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 105,035.49, and that the CY 2017 municipal budget for the Washington Borough be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Borough Council of the Borough of Washington held on March 7, 2017, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a meeting of the Borough Council to be held on April 4, 2017, at 7:00 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Washington Borough Municipal Building; 100 Belvidere Avenue; Washington, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

A motion was made by Heinrich, seconded by Noone, to introduce Ordinance 2017-02. N. Turchan explained the ordinance.

ROLL CALL: Heinrich, Noone, Jones, Klimko, Thompson, Valle, Higgins
Ayes: 7 Nays: 0

Motion Carried

The Clerk read Ordinance 2017-02 by title only. A motion was made by Heinrich, seconded by Klimko, to introduce Ordinance 2017-02 on first reading.

ROLL CALL: Heinrich, Klimko, Jones, Noone, Thompson, Valle, Higgins

Ayes: 7 Nays: 0

Motion Carried

The Clerk stated the public hearing of Ordinance 2017-02 will be held on April 4, 2017 and the advertisement of the public hearing will be published in the Star Gazette on March 17, 2017.

A motion was made by Heinrich, seconded by Noone, to approve the advertisement of the public hearing.

Ayes: 7 Nays: 0

Motion Carried

Ordinance 2017-03 – Ordinance Amending Chapter 49 of the General Ordinances of the Borough of Washington, County of Warren, and the State of New Jersey in Order to Regulate Door-to-Door Soliciting and Peddling (Introduction)

**BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY**

ORDINANCE # 2017-03

ORDINANCE AMENDING CHAPTER 49 OF THE GENERAL ORDINANCES OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, AND THE STATE OF NEW JERSEY IN ORDER TO REGULATE DOOR-TO-DOOR SOLICITING AND PEDDLING

WHEREAS, Chapter 49 of the Code of the Borough of Washington regulates the distribution of handbills and merchandise samples; and

WHEREAS, Chapter 49 of the Borough Code must be updated to comply with applicable New Jersey statutes and caselaw; and

WHEREAS, the Mayor and Council have determined that additional regulation is needed to prevent fraud, crime, and unethical and dishonest business practices; and

WHEREAS, the Mayor and Council have determined that additional regulation will promote safety of Borough residents;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Borough of Washington that Chapter 49 of the Code of the Borough of Washington is hereby amended as follows:

SECTION 1. Chapter 49 of the Code of the Borough of Washington is deleted in its entirety, renamed “Peddlers and Solicitors,” and replaced with the following:

§ 49-1. Purpose.

The purpose of this chapter shall be to prevent fraud, crime and unethical and dishonest business practices. The fees charged for the issuance of licenses shall not be considered revenue, but shall be charged for the purpose of covering the expense of investigation and regulating the conduct of licensees.

Nothing herein shall be construed to affect the sale of fruit, vegetables, and farm produce, such as meat poultry, butter and eggs, from premises owned, leased or controlled by the person selling the same.

§ 49-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

MERCHANDISE

Includes all goods, wares, food, fruit, vegetables, farm products, magazines and periodicals, and all kinds of articles of personal property for domestic use and orders or contracts for services, home improvements or alterations.

NON-PROFIT ORGANIZATION

(1) any organization tax exempt under §501(c)(3) of the Internal Revenue Code; (2) any organization created under or otherwise subject to the provisions of Title 15A of the New Jersey Statutes; (3) any organization, whether or not qualified under §501(c)(3) of the Internal Revenue Code or subject to the provisions of Title 15A of the New Jersey Statutes, whose primary purpose is to benefit the school age children of the Borough, including but not limited to schools, school clubs and organizations, Cub Scouts, Boy Scouts, Brownies, Girl Scouts and similar youth groups; (4) any organization whose primary purpose is to advocate for religious or political causes, whether or not qualified under §501(c)(3) of the Internal Revenue Code or subject to Title 15A of the New Jersey Statutes; or (5) any department within the Borough's municipal governmental structure, including, but not limited to, the Police Department and any volunteer fire or first aid company that is located in, has a substantial membership from or serves the Borough.

PEDDLER

Any person who goes from place to place by traveling on the streets and roads or from house to house, carrying, conveying or transporting goods, wares or merchandise for the purpose of selling and delivering them to customers. This definition shall not include integrated and commercial roadside stands.

SOLICITOR

Any person who goes from place to place by traveling on the streets and roads or from house to house, taking or attempting to take orders for the sale of goods, wares and merchandise or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such person has, carries or exposes for sale a sample of the object to be sold and whether or not he is collecting advance payments on such sales.

§49-3. License Required

Except as otherwise provided in this chapter, it shall be unlawful for any solicitor or peddler to sell or dispose of, or to offer to sell or dispose of, any goods, wares or merchandise, or to solicit orders for the performance of any service, within the corporate limits of the Borough, without first obtaining a license in compliance with the provisions of this chapter. The license shall not be transferable from the person to whom issued to any other person. A separate license shall be obtained by a licensed solicitor or peddler for every agent or employee working for him/her.

§49-4. Exemptions and Exceptions.

A. Any public utility or its employees subject to regulation by the State Board of Public Utility Commissioners, provided that such employees shall display identification badges or cards issued by their employer.

B. Any person engaged in the delivery of goods, wares or merchandise or other articles or things in the regular course of business to the premises of persons who had previously ordered the same or were entitled to receive the same by reason of a prior agreement.

C. Any non-profit organization as defined in §49-2 of this Chapter, including charitable and religious organizations, provided that the means of identification assigned by such organization, if any, is carried by the peddler or solicitor. If no means of identification is assigned by such organization, the peddler or solicitor shall be required to carry a bona fide means of identification, including but not limited to a valid driver's license or other government-issued identification. This exception shall include members or advocates for a non-profit organization engaging in the advocacy or non-commercial, non-for-profit causes, whether or not in connection. This exception also includes any non-profit organization that conducts sales of personal property when the proceeds are applied to the payment of expenses and to the charitable or religious purpose for which the organization exists.

D. Any person intending to distribute non-commercial or not-for-profit handbills, pamphlets, leaflets, circulars, advertisements or printed material, provided that such person carries a bona fide means of identification, including, but not limited to, a valid driver's license or other government issued identification.

E. Any person (a) campaigning for any elected public office or public question, which is to be voted upon in the Borough at a general, special, primary or school board election, or in a national or State election; (b) distributing handbills, pamphlets, leaflets, circulars, advertisements or printed material with respect thereto; or (c) otherwise engaging in political speech, provided that such person carries a bona fide means of identification, including, but not limited to, a valid driver's license or other government issued identification.

F. Any person honorably discharged from the military services of the United States possessing a peddler's license issued in conformity with N.J.S.A. 45:24-9 and 45:24-10.

G. Any person who is an exempt fireman of a volunteer fire department as defined by N.J.S.A. 45:24-9 and 45:24-10, possessing a license in conformity with the law.

H. Any person selling fruits, vegetables, and farm produce (such as meats, poultry, butter, and eggs) from premises owned, leased, or controlled by the person selling the same.

I. Any person selling goods at a farmer's market in compliance with Section 190-5.1 of the Borough Code.

I. Any person selling food from a mobile retail food establishment as defined in N.J.A.C. 8:24-1.1 et seq., including but not limited to food trucks and ice cream trucks, as long as such person is in compliance with N.J.A.C. 8:24-1.1 et seq and Chapter 45 of the Borough Code.

§49-5. Application for License.

Every applicant for a license under this chapter shall file with the Borough Clerk a sworn written application, in duplicate, on a form to be furnished by the Clerk, which shall give the following information:

- A. Name and description of the applicant.
- B. Permanent home address and full local address of the applicant.
- C. A brief statement of the nature of the business and a description of the merchandise or service to be sold.
- D. If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- E. The length of time for which the license is desired.
- F. If a vehicle is to be used, a description of the vehicle, its license plate number, its VIN # number, a 4" x 6" photograph of the vehicle, a copy of the registration for the vehicle that is valid for the entire period for which the peddler and solicitor's license is issued, and proof of automobile insurance that is valid for the entire period for which the peddler and solicitor's license is issued.
- G. A driver's license or other government issued identification that is valid for the entire period for which the peddler and solicitor's license is issued.
- H. The place where the goods or property to be sold or offered for sale are manufactured or produced, where the goods or property are located at the time such application is filed, and the proposed method of delivery.
- I. A photograph of the applicant taken within 60 days immediately prior to the date of application, which photograph clearly shows the head and shoulders of the applicant and measures two by two inches by two inches.
- J. The fingerprints of the applicant.
- K. Two business references located in the County of Warren, State of New Jersey, or in lieu thereof, such other available evidence of the character and business responsibility of the applicant as will enable an investigator to properly evaluate his character and responsibility.
- L. A statement as to whether the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.
- M. Proof of liability insurance that is valid for the entire period for which the license is issued.

N. A list of all other New Jersey municipalities in which the applicant maintains an active peddling and soliciting license.

§49-6. Applications for Exemptions.

In lieu of applying for a license pursuant to Section 49-5 hereunder, a solicitor or peddler may make application by letter to the Borough Council for an exemption from the licensing requirement of this chapter. Such letter shall set forth exceptional circumstances that make it improbable or impractical for such solicitor or peddler to apply for the appropriate license and shall demonstrate that the purposes of this chapter will not be undermined by the grant of such exemption. The Borough Council may place reasonable conditions on any such grant of an exemption, including but not limiting to requiring such peddlers or solicitors to carry identification.

§49-6. Application Fee.

At the time the application is filed, a fee in the amount of \$100 shall be paid to the Borough Clerk by bank or cashier's check to cover the cost of processing the application and investigating the facts set forth therein.

§49-7. Bond required.

Before a license pursuant to this Chapter shall be issued, Applicant shall execute and deliver to the Borough Clerk a bond in accordance with N.J.S.A. 45:24-5 in the amount of \$1,000. The bond shall be in effect for a period of one year from the date of license issuance, shall indemnify and pay the Borough any penalties or costs incurred in the enforcement of this section and the purchaser of personal property in a sum equal to at least the amount of any payment such purchaser may have been induced to make through the misrepresentation of the applicant, its agents or employees. The bond shall be in a form approved by the municipal attorney.

§49-8. Investigation of applicant.

When the application is properly filled out and signed by the applicant, the original and duplicate shall be filed with the Borough Clerk. The Clerk shall refer the original to the Chief of Police, who shall make or cause to be made such investigation of the applicant's business responsibility and moral character as he deems necessary for protection of the public good.

§49-9. Issuance of license; refusal.

A. Grounds for refusal of license.

(1) If as a result of the investigation of the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on the application his disapproval and the reasons therefor and return the application to the Borough Clerk, who shall notify the applicant that the application is disapproved and that no license shall be issued. Any determination by the Chief of Police that an application is unsatisfactory shall be based on one or more of the following findings with respect to the applicant:

(a) Conviction of a crime involving moral turpitude, including but not limited to theft, fraud, aggravated assault, and sexual offenses.

- (b) Prior violation of a peddling or soliciting ordinance.
- (c) Previous fraudulent acts or conduct.
- (d) Record of breaches of solicited contracts.
- (e) Concrete evidence of bad character.

(2) In the absence of any such finding, the Chief of Police shall find the application satisfactory.

B. If as a result of the investigation the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval, and return the application to the Borough Clerk, who shall issue the license to the applicant. The license shall contain the signature of the Borough Clerk and show the name, address and photograph of the licensee, the class of license issued, the kind of goods or services to be sold, the date of issuance, the length of time the license shall be operative and the license number and other identifying description of any vehicle used in the peddling or soliciting activity licensed.

C. The Borough Clerk shall issue to each licensee at the time of delivery of the license a badge which shall show the nature of the license, the period for which the license is issued and the number of the license in letters and figures easily discernible from a distance of 10 feet. During the time the licensee is engaged in peddling or soliciting, the badge shall be worn constantly by him on the front of his/her outer garment in such a way as to be visible to a person facing him.

D. All licensees using automobiles or other vehicles in connection with their business shall have affixed in the rear passenger side window a sticker supplied by the Borough Clerk. The sticker shall bear the words "Licensed Peddler," "Licensed Hawker," "Licensed Solicitor" or "Licensed Canvasser," together with a number and the year for which it is issued.

§49-10. Duties of licensee.

Every holder of a peddler's or solicitor's license issued by the Borough Clerk under the authority of this chapter or by the clerk of the county under the authority of N.J.S.A. 45:24-9 shall be required to carry the license with him while engaged within the Borough in the business or activity licensed. He shall produce the license at the request of any official resident of the Borough with whom he wishes to conduct his business or activity. Every peddler or solicitor, shall restrict his selling or soliciting activity within the Borough to the hours between 8:00 a.m. and 7:00 p.m. Licensees and every person referred to in §49-4A on each day of such activity shall notify the police officer on duty immediately before commencing his selling or soliciting activity. If soliciting activities will be conducted on consecutive days, notification need only be made on the first day of such activity and the licensee shall notify the police officer of the length of the soliciting period. Notification shall include a statement as to the general area of the Borough in which the licensee, as well as every person referred to in § 49-4A, intends to conduct or has conducted the activity.

§49-11. Prohibitions.

It shall be unlawful for a peddler or solicitor to:

- A. Attempt to peddle or distribute merchandise or printed material, or solicit funds or canvass for information, without first having identified himself/herself as a peddler, solicitor, transient merchant, or canvasser registered with the municipality and displaying the license issued therefor.
- B. Call attention to his business or to his merchandise by crying out, blowing a horn, ringing a bell, other than the doorbell to a building, or any other loud or unusual noise prohibited by the Borough Code.
- C. Conduct or attempt to conduct his or her business at any residence or on any property on which is posted a sign expressly prohibiting the activity.
- D. Refuse to leave a private dwelling or property after having been once requested to do so by the owner or occupant thereof.
- E. Distribute obscene merchandise or printed material, printed material that advocates unlawful conduct.
- F. Litter the streets, public places, or other property within the Borough with any merchandise or printed material.

§49-12. Enforcement; Violations and Penalties

- A. It shall be the duty of any police officer of the agency serving the Borough to enforce the provisions of this chapter and to require any person seen peddling or soliciting who is not known by the officer to be duly licensed, to produce his peddler's or solicitor's license.
- B. Any person convicted of violating the provisions of this chapter shall be subject to a fine not exceeding \$1,000, by imprisonment for a term not exceeding 90 days, or by a period of community service not exceeding 90 days, or by both such fine and imprisonment or community service.
- C. Any person who is convicted of violating the provisions of this chapter within one year of the date of a previous violation of the same provision, and who was fined for the previous violation, shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon the person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the Code provision, but shall be calculated separately from the fine imposed for the violation of the Code provision.

§49-13. Record of licenses.

The Borough Clerk shall maintain a record of all licenses issued under the provisions of this chapter and record therein all convictions for violations and other pertinent circumstances and incidents reported by the Chief of Police.

§49-14. Revocation of license.

A. Licenses issued under the provisions of this chapter may be revoked by the Chief of Police upon notice to the licensee to the address listed on licensee's application for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for license.
- (2) Fraud, misrepresentation or false statement by the licensee in the course of conducting the business licensed.
- (3) Any violation of this chapter.
- (4) Conviction of any crime involving moral turpitude.
- (5) Conducting the business licensed in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

B. Notice of revocation shall be communicated to licensee by telephone and regular mail at the telephone number and address set forth on licensee's application. If the licensee requests a hearing pursuant to §49-14, notice of hearing shall be given in writing setting forth the specific grounds of complaint and the time and place of hearing. Such notice shall be sent by regular and certified mail to the licensee at his last known address at least five days prior to the date set for hearing.

§49-15. Appeals to Borough Council.

Any person aggrieved by the action of the Chief of Police or of the Borough Clerk in the denial or revocation of a license shall have the right of appeal to the Borough Council. The appeal shall be taken by filing with the Borough Council, within 14 days after the notice of the action complained of has been mailed to the person's last known address, a written statement setting forth fully the grounds for the appeal. The Borough Council shall set a time and place for hearing of the appeal, and notice of the hearing shall be given to the applicant in the same manner as provided in § 49-13. The decision of the Borough Council shall be final.

§49-16. Expiration and renewal of license.

All licenses issued under the provisions of this chapter shall expire on December 31 of the calendar year in which they are issued. Any license may be renewed without payment of an additional registration fee upon submission by the licensee of a new application in conformity with the requirements of § 49-5 or, in lieu thereof, a sworn statement in writing setting forth all changes in the information contained in the application for the expired license which are necessary to bring the application completely up to date. A new application or statement in lieu thereof shall be subject to the provisions and standards set forth in § 49-5.

§49-17. Solicitations in Roadways Prohibited.

The Borough shall prohibit all organizations from soliciting contributions in roadways in compliance with N.J.S.A. 39:4-60.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. This Ordinance shall take effect upon final passage and publication according to law.

A motion was made by Noone, seconded by Valle, to introduce Ordinance 2017-03.

ROLL CALL: Noone, Valle, Heinrich, Jones, Klimko, Thompson, Higgins

Ayes: 7 Nays: 0

Motion Carried

Discussion

Councilwoman Valle discussed solicitors with J. Gleba, Council, and Lieutenant Teter.

The Clerk read Ordinance 2017-03 by title only. A motion was made by Noone, seconded by Jones, to introduce Ordinance 2017-03 on first reading.

ROLL CALL: Noone, Jones, Heinrich, Klimko, Thompson, Valle, Higgins

Ayes: 7 Nays: 0

Motion Carried

The Clerk stated the public hearing of Ordinance 2017-03 will be held on April 4, 2017 and the advertisement of the public hearing will be published in the Star Gazette on March 17, 2017.

A motion was made by Heinrich, seconded by Jones, to approve the advertisement of the public hearing.

Ayes: 7 Nays: 0

Motion Carried

Ordinance 2017-04 - Ordinance Amending the Following Chapters of the General Ordinances of the Borough of Washington, County of Warren, and the State of New Jersey: Chapter 55 Entitled “Littering”; Chapter 59 Entitled “Nuisances, Public Health”; Chapter 91 Entitled “Weeds and Obnoxious Growths”; and Adding Chapters Entitled “Vehicles, Abandoned and Inoperable” and “Vandalism, Graffiti, and Other Property Offenses: Malicious Damage to Property or Persons Prohibited” (Introduction)

**BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY
ORDINANCE # 2017-04**

ORDINANCE AMENDING THE FOLLOWING CHAPTERS OF THE GENERAL

**ORDINANCES OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN,
AND THE STATE OF NEW JERSEY:
CHAPTER 55 ENTITLED “LITTERING;”
CHAPTER 59 ENTITLED “NUISANCES, PUBLIC HEALTH;”
CHAPTER 91 ENTITLED “WEEDS AND OBNOXIOUS GROWTHS;”
AND ADDING CHAPTERS ENTITLED “VEHICLES, ABANDONED AND INOPERABLE” AND
“VANDALISM, GRAFFITI, AND OTHER PROPERTY OFFENSES; MALICIOUS DAMAGE TO
PROPERTY OR PERSONS PROHIBITED.”**

WHEREAS, the Mayor and Council of the Borough of Washington desires to protect and promote the health of the residents of the Borough; and

WHEREAS, doing so requires amending and supplementing the following chapters of the Code of the Borough of Washington:

- Chapter 55 regarding littering
- Chapter 59 regarding nuisances
- Chapter 91 regarding weeds and noxious plants; and

WHEREAS, the Mayor and Council have also determined that additional regulation of the storage or keeping of abandoned and inoperable motor vehicles will promote safety of Borough residents;

WHEREAS, the Mayor and Council have also determined that additional regulation preventing vandalism and graffiti pursuant to the Municipal Beautification Act (N.J.S.A. 40:48-2.59) will promote safety of Borough residents; and

WHEREAS, N.J.S.A. 40:48-2 permits the Borough to pass, alter, and amend ordinances, rules, or regulations in order to preserve the public health, safety, and welfare; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington, the County of Warren, as follows:

SECTION 1. Chapter 55 of the Code of the Borough of Washington entitled “Littering” is hereby amended and supplemented as follows;

§ 55-1. Definitions.

A. For the purposes of this chapter, the following words shall have the following meanings:

AUTHORIZED PRIVATE RECEPTACLE

A litter storage and collection receptacle provided by the owner or occupier of private premises.

BOROUGH

The Borough of Washington, in the County of Warren and State of New Jersey.

COMMERCIAL HANDBILL

Any printed or written matter, sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copy of any matter of literature:

- (1) Which advertises for sale any merchandise, product, commodity or thing;
- (2) Which directs attention to any business or mercantile or commercial establishment or any activity for the purpose of either directly or indirectly promoting the interest thereof by sale;
- (3) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit, but the terms of this subsection shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind; or
- (4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the profit, benefit or gain of any person so engaged as advertiser or distributor.

LITTER

Any substance, waste material, garbage, refuse, or rubbish which has been discarded, whether made of aluminum, glass, plastic, rubber, paper or any natural or synthetic material, or any combination thereof, including but not limited to any bottle, jar or can or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extracting processes, logging, sawmilling, farming or manufacturing.

NEWSPAPER

Any newspaper of general circulation as defined by general law; any newspaper duly entered with the Post Office Department of the United States in accordance with federal statute or regulation and any newspaper filed and recorded with any recording officer as provided by general law; and in addition thereto shall mean and include any periodical or current magazine regularly published with not less than four issues per year and sold to the public.

NONCOMMERCIAL HANDBILL

Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a "commercial handbill" or "newspaper."

PARK

A park, reservation, playground, recreation center or any other public area of the Borough or other public entity devoted to active or passive recreation by the public.

§ 55-2. Litter in public places.

No person shall throw or deposit litter in or upon any street, road, sidewalk or other public place within the Borough, except in public receptacles or authorized private receptacles for collection.

§ 55-3. Manner of placement of litter in receptacles.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, road, alley or other public place or upon private property.

§ 55-4. Depositing of litter into public places; sidewalk maintenance.

No person shall sweep into or deposit in any gutter, street, parking lot or public place within the Borough the accumulation of litter from any building or lawn or from any public or private sidewalk or driveway.

It shall be the duty, severally and equally, of the owner, lessee, tenant, occupant or person in charge of any structure to keep and cause to be kept the sidewalk, curb and gutter abutting the structure free from obstruction or nuisances of every kind and to keep sidewalks, areaways, backyards, courts and alleys free from litter. No person shall sweep into or deposit into any gutter, street, catch basin or other public place any accumulation of litter from any public or private sidewalk or driveway. Every person who owns or occupies property shall keep the sidewalk, curb and gutter in front and in rear of his or her premises free of litter. All sweepings shall be collected and properly containerized for disposal.

§ 55-5. Responsibility of Merchants sidewalk

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, parking lot or public place within the Borough the accumulation of litter from any building or lot or from any public or private sidewalk, driveway or parking lot. Persons owning or occupying places of business within the Borough shall keep the sidewalk in front of their business premises free of litter.

§ 55-6. Throwing of litter from vehicles; litter blown from vehicles.

A. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Borough or upon private property.

B. No person shall drive or move any truck or other vehicle within the Borough unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place.

C. No person shall drive or move any vehicle or truck within the Town, the wheels or tires of which carry onto or which deposit in any street, alley or other public place mud, dirt, sticky substances, litter or foreign matter of any kind.

§ 55-7. **Public** Distribution or sale of handbills and newspapers; posting of notices

A. No person shall throw or deposit any commercial or noncommercial handbill or newspaper in or upon any sidewalk, street or other public place within the Borough, nor shall any person distribute or sell any commercial handbill or newspaper in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the Borough for any person to hand out or distribute without charge to the receiver thereof any noncommercial handbill or newspaper to any person willing to accept it.

B. No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public to any lamp post, public utility pole, shade tree or upon any public structure or building, except as may be authorized or required by law.

§ 55-8. Placement of handbills or newspapers on vehicles.

No person shall throw or deposit any commercial or noncommercial handbill or newspaper in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a noncommercial handbill or newspaper to any occupant of a vehicle who is willing to accept it.

§ 55-9. Placement of handbills or newspapers on vacant premises.

No person shall throw or deposit any commercial or noncommercial handbill or newspaper in or upon any private premises which are temporarily or continuously uninhabited or vacant. Section 55-11B shall apply hereto.

§ 55-10. Placement of handbills or newspapers on posted property.

No person shall throw, deposit or distribute any commercial or noncommercial handbill or newspaper upon any private premises if requested by anyone thereon not to do so or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing," "No Advertisements" or "No Peddlers or Agents," or any similar notice indicating in any manner that the owner, occupant or tenant of the premises does not desire to be molested or have his right of privacy disturbed or to have any such handbills or newspapers left upon such premises. Section 55-11B shall apply hereto.

§ 55-11. Placement of handbills or newspapers on inhabited private premises.

A. No person shall throw, deposit or distribute any commercial or noncommercial handbill or newspaper in or upon private premises which are inhabited, except by handing or transmitting the same directly to the owner, occupant, tenant or other person then present in or upon such private premises; provided, however, that in the case of inhabited private premises which are not posted as provided in this chapter, such person, unless requested by the owner, occupant or tenant on the premises not to do so, may place or deposit any such handbill or newspaper in or upon such inhabited private premises if the same is so placed or deposited as to secure or prevent the same from being blown about such premises or sidewalks, streets or other public places and the same is not placed upon the surface of the ground. Mailboxes may not be used when so prohibited by federal postal law or regulations, but private boxes may be used when so provided.

B. The provisions of this section shall not apply to the distribution of mail by the United States or its agents or legally authorized deliverers.

§ 55-12. Litter on private property.

No person shall throw or deposit litter on any occupied or unoccupied private property within the Borough, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

§ 55-13. Owner to maintain premises free of litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

§ 55-14. Litter on vacant lots.

No person shall throw or deposit litter on any open or vacant private property within the Borough, whether owned by such person or not.

§55-15. Construction Debris

A. It shall be unlawful for any owner, agent, or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during or after completion of any construction or demolition project. It shall be the duty of the owner, agent or contractor in charge of a construction site to furnish containers adequate to accommodate debris or trash at construction areas and to maintain and empty the receptacles in such a manner and with such frequency as to prevent spillage of refuse.

B. It shall be unlawful for any owner, agent, or contractor in charge of a construction or demolition site to permit land to be covered with or contain refuse and debris resulting from construction activities or the demolition of buildings, which refuse or debris has remained on the land for more than 30 days after the completion of construction or demolition. Salvaged building materials neatly stored on the owner's premises shall not be deemed refuse or debris.

§ 55-16. Enforcement.

Enforcement of the within chapter shall be made by regular and special officers of the police agency servicing the Borough of Washington, the Zoning Officer of the Borough of Washington, or any other officer authorized by the Board of Health to enforce this code and chapter; or upon complaint of any citizen or any authorized county or state health department or agency.

§ 55-17. Violations and penalties.

Any person who shall violate this chapter shall, upon conviction thereof, pay a fine not exceeding \$500 or be imprisoned in the county jail for a term not exceeding 90 days, or both, for each offense, in the discretion of the Court. Each day said offense continues shall constitute a separate offense.

§ 55-18. Abatement of offenses; removal by Borough and collection of costs.

A. Any person authorized to enforce the provisions of this chapter is authorized to notify the owner of any property within the Borough or the agent of such owner to properly dispose of litter located on such owner's property in violation of this chapter. Such notice shall be sent by certified mail, return receipt requested, and/or posted on the property.

B. In the event that the owner or agent fails to comply with such notice within five days after receipt of written notice or five days after notice was posted on the property, the enforcing official shall authorize the removal of said litter. The property owner shall be billed by the Borough for all expenses incurred for the removal of said litter. Failure to pay for billed expenses shall constitute a valid assessment against such lands and shall be duly certified to the governing body, which shall examine the certified and, if found correct, shall cause the cost as shown thereon to be charged against said lands. The amount so charged shall become a lien upon such

lands and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands. If the enforcing official deems the existing condition as an immediate health or safety problem, the removal shall be ordered immediately. If the owner or agent refuses to comply, the Borough shall effect the removal at the expense of the owner.

§ 55-19. Junkyards; exceptions

Nothing in this section shall be constructed to pertain to junk dealers, junkyards, motor vehicle junk dealers, motor vehicle junkyards, wholesale junkyards or wholesale junkyard scavengers duly licensed by the Borough of Washington.

§ 55-20. Litter receptacles required.

A. Litter receptacles and their servicing are required at the following public places which exist in the Borough:

- (1) Buildings held out for use by the public, including schools and government buildings;
- (2) Parks;
- (3) Drive-in restaurants;
- (4) Street vendor locations;
- (5) Construction sites;
- (6) Self-service refreshment areas;
- (7) Gasoline service stations;
- (8) Shopping centers;
- (9) Public parking lots;
- (10) Campgrounds and trailer parks; and
- (11) At special events to which the public is invited, including sporting events, parades, carnivals, circuses, and festivals.

B. The proprietors of these places or the sponsors of these events shall be responsible for providing, removing and servicing the receptacles such that adequate containerization is available.

SECTION 2. Chapter 59 of the Code of the Borough of Washington entitled "Nuisances, Public Health" is hereby amended and supplemented as;

Article I: Adoption of Public Health Nuisance Code of New Jersey

§59-1 Adoption of Code by Reference

A code defining and prohibiting certain matters, things, conditions or acts, and each of them, as a nuisance; prohibiting certain noises or sounds; requiring the proper heating of apartments; prohibiting lease or rental of certain buildings; prohibiting spitting in or upon public buildings, conveyances or sidewalks; authorizing the inspection of premises by an enforcing official; providing for the removal or abatement of certain nuisances and recovery of expenses incurred by the Board of Health in removing or abating such nuisances; and prescribing penalties for violations, is hereby established pursuant to Chapter 188, Laws of 1950. A copy of said code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.

§ 59-2 Title.

The said code established and adopted by this article is described and commonly known as the "Public Health Nuisance Code of New Jersey," 1953 Edition.

§ 59-3 Filing of copies.

Three copies of the said Public Health Nuisance Code of New Jersey have been placed on file in the office of the Clerk upon the introduction of this article and will remain on file there for the use of and examination by the public.

§ 59-4 Violations and penalties.

Any person who violates or neglects to comply with any provision of this article or code established herein or notice issued pursuant thereto shall, upon conviction thereof, be liable to a penalty of not more than \$500 for each violation.

Article II: Public Health, Safety, Welfare and Convenience Nuisances

§ 59-5 Statement of purpose.

The purpose of this article shall be to promote the general health, welfare, safety and convenience of the Borough of Washington and the inhabitants thereof by proscribing certain practices and hazards which are, or may be, nuisances and to permit the appropriate authorities to take appropriate steps to control the practices herein proscribed. The provisions of this article shall be construed as a supplement to the remedies specified in Article I and the code adopted therein, and nothing herein shall be construed so as to repeal Article I of this chapter.

§ 59-6 Definitions.

Wherever the following terms are used in this article, unless otherwise specified, they shall have the following meanings:

BOARD OF HEALTH

The Board of Health of the County of Warren, State of New Jersey.

ENFORCING OFFICIAL

Regular and special officers of the police agency servicing the Borough of Washington, Zoning Officer of the Borough of Washington, the Construction and Building Sub-code Officials of the Borough of Washington, or any other officer authorized by the Board of Health to enforce this code and chapter.

PERSON

Includes an individual, firm, corporation, association, society and partnership and any agent, servant or employee of any of the above.

§ 59-7 Nuisances proscribed.

It shall be unlawful for any person or persons to commit or allow nuisances as hereinafter defined in § 59-8.

§ 59-8 Additional Nuisances enumerated.

The following matters, things, conditions or acts, and each of them, are hereby declared to be a nuisance and injurious to the health, safety, welfare or convenience of the inhabitants of the Borough of Washington:

A. Spitting upon any public sidewalk or upon any part of the interior of any public building or public conveyance.

§ 59-9 Enforcement.

The provisions of this article may be enforced by an Enforcing Official as defined herein, or upon the filing of a complaint in the Municipal Court of the Borough of Washington by any inhabitant of the Borough of Washington, either with or without prior notice to the person committing a violation of this article.

§ 59-10 Violations and penalties.

Any person who violates any provision of this article shall, upon conviction thereof, be liable to a penalty of not more than \$500 or imprisonment for not more than 90 days, or both, for each violation. Each day that said violation continues shall be deemed a separate and distinct violation.

SECTION 3. Chapter 91 of the Code of the Borough of Washington entitled “Weeds and Obnoxious Growths” is hereby amended and supplemented as follows;

§ 91-1. Certain growths declared public nuisances.

A. All weeds over one foot in height, and all vegetable growths which exhale unpleasant or noxious odors or pollen, and all weeds or vegetable growths that may conceal filthy or unhealthy deposits are hereby declared to be public nuisances.

B. The growth, existence, or presence of poison ivy, poison oak or poison sumac within twenty (20) feet of any property line.

§ 91-2. Failure to abate nuisance.

Any owner, lessee or occupant of any property or any agent, servant, representative or person having control of any property who shall allow or permit such a nuisance as defined in §91-1 of this chapter to continue for a period of 10 days after receipt of such notice of violation shall be liable to the penalties as provided in this chapter.

§ 91-3. Cutting by Borough.

In addition to the penalty provided in §91-5 of this chapter, failure to abate such nuisance within the time provided by this chapter shall allow the Municipal Manager to direct the Borough's work force to abate said nuisance. Nothing in this section shall be interpreted to imply that the Borough is obligated to abate the nuisance.

§ 91-4. Costs to become lien.

The Manager shall certify the costs of abatement of the nuisance to the governing body, which shall examine the certificate and, if found correct, will cause the costs shown thereon to be charges against said land, the amount so charged shall forthwith become a lien upon such land and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.

§ 91-5. Violations and penalties.

Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$500. If the violations are not corrected or remedied within ten (10) days after the notice pursuant to §91-2, each day thereafter that the prohibited conditions exist shall constitute a separate offense hereunder.

§91-6. Enforcement.

The provisions of this chapter may be enforced by the Zoning Officer of the Borough of Washington.

SECTION 4. A Chapter of the Code of the Borough of Washington entitled “Vehicles, Abandoned and Inoperable” is hereby added as follows:

§ -1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONED MOTOR VEHICLE

A vehicle which has remained on or along the highway or other public property or upon private property without such consent for a period of more than 48 hours or for any period without current license plates.

INOPERATIVE MOTOR VEHICLE

Any motor vehicle incapable of being legally operated or moved under its own power on the public streets and highways of the State of New Jersey.

UNLICENSED MOTOR VEHICLE

Any motor vehicle incapable of being legally driven on the highways of the State of New Jersey or not bearing current license plates or tags or not bearing a current inspection sticker issued by an appropriate licensing authority.

§ ____ -2. License required for open storage.

No person, firm or corporation shall keep any wrecked, dismantled, junked, abandoned or inoperable motor vehicle or any parts thereof in the open upon public or private property unless licensed as a junk shop or junkyard.

§ ____ -3. Storage of inoperable vehicles.

It shall be unlawful for any person to keep or permit the keeping on streets, vacant lots or anywhere on residential property, except in a fully enclosed structure, any motor vehicle, trailer or semitrailer which:

A. Because of mechanical or structural defect or damage is incapable of movement under its own power;

B. Does not display a current or valid registration;

C. For any other reason is not capable of safe and lawful operation over the highways of this state.

§ ____ -4. Repair of vehicles on public streets.

No person, firm or corporation shall use the public streets or highways as a repair shop or to make repairs to vehicles other than emergency repairs.

§ ____ -5. Removal from public streets.

A wrecked, dismantled, junked, abandoned or inoperable motor vehicle may be removed from the public streets or highways when 48 hours' notice has been served upon the registered owner, either in person or by mail to the last known address, to move such vehicle. However, if the vehicle obstructs traffic or is deemed to be a hazard, the police may remove such vehicle without prior notice to the owner.

§ ____ -6. Removal from public property.

A written notice to remove within seven days the wrecked, dismantled, junked, abandoned or inoperable vehicle from public property other than public streets and highways shall be served upon the registered owner thereof, either personally or by certified mail. If the vehicle is not removed within the time allowed by such notice, the police may remove such vehicle.

§ ____ -7. Unlicensed vehicles.

An unlicensed vehicle on public streets or premises not owned or occupied by the owner of the vehicle shall be deemed abandoned and removed immediately.

§ ____ -8. Repossession by owner.

The owner of the removed vehicle may repossess the same at any time prior to sale thereof, upon payment of the costs of removal plus storage charges.

§ ____-9. Disposition of unclaimed vehicles.

Disposition of the vehicle shall be made within the towing company's discretion. The Borough shall notify the registered owner either in person or by mail to the last known address of the address and telephone number of the towing company in possession of the vehicle.

§ ____-10. Waiver of liability.

The Borough shall not be liable for loss or damage during removal, storage, subsequent sale or other disposition.

§ ____-11. Violations and penalties.

Any person who shall violate this chapter shall, upon conviction thereof, pay a fine not exceeding \$500 or be imprisoned in the county jail for a term not exceeding 90 days, or both, for each offense, in the discretion of the Court. Each day said offense continues shall constitute a separate offense.

§ ____-12. Enforcement.

The provisions of this chapter may be enforced by the Zoning Officer of the Borough of Washington or any police officer serving the Borough of Washington.

SECTION 5. A Chapter of the Code of the Borough of Washington entitled "Vandalism, Graffiti, and other Property Offences; Malicious Damage to Property or Persons Prohibited" is hereby added as follows:

§ ____-1. No person shall damage, defoul, commit a nuisance, or disturb public property or the property of another so as to create a hazardous condition. No person shall maliciously destroy, damage or injure any person or property, including and not limited to acts considered "Vandalism", "Graffiti," and / or any other malicious mischief.

§ ____-2. Graffiti Prohibited.

- A. It shall be unlawful for any persons to apply graffiti to any building, structure, tree, shrub, curb, vehicle, or to other personal or real property (public or private) located within the Borough.
- B. Nothing contained within this chapter shall prohibit the enforcement of any other chapter of the Municipal Code of the Borough of Washington.

§ ____-3. Exclusions.

Easily removable markings (chalk or water soluble) on public sidewalks and streets used in connection with traditional children's games, or Borough sponsored events, shall **not** be considered graffiti.

§ ____-4. Section RESERVED.

§ ____-5. Violations and penalties.

Committing an act of graffiti is a violation of this chapter. Violations for committing an act of graffiti shall be charged on a per property or structure basis (one offense for each violation). Violations do not reset over time. Upon conviction, each offense shall have the following penalties applied:

- A. Each person shall be subject to a fine of fifty dollars (\$50.00) for the first offense; one hundred dollars (\$100.00) for the second offense; and one hundred fifty dollars (\$150) for each subsequent offense.
- B. In addition to any fines imposed (or waived), the court shall order the offender to make restitution pursuant to this chapter.
- C. Restitution: Offenders shall make restitution to the victim for damages or loss caused directly or indirectly by the violator's offense in the amount (or manner) determined by the court.

D. In lieu (or as part) of the penalties imposed by this section it is strongly recommended that the court order community service. Community service shall be based on the following minimum requirements:

1. Offenders shall perform community service based on their level of conviction as follows
 - i. First Offense: Service sufficient to remove the graffiti and restore the property to its prior condition
 - ii. Second Offense: Service sufficient to remove the graffiti and restore the property to its prior condition plus 10 additional days of community service
 - iii. Third (and subsequent) Offense: Service sufficient to remove the graffiti and restore the property to its prior condition plus 20 additional days of community service
2. Reasonable effort shall be made to assign the offender to a type of community service that is reasonably expected to have the most rehabilitative effect of the offender.
3. The order period of service shall be performed under the supervision of a community service provider approved by the Chief of Police.

§____-6. Enforcement.

The provisions of this chapter may be enforced by the Zoning Officer of the Borough of Washington or any police officer serving the Borough of Washington.

SECTION 6. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 7. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 8. This Ordinance shall take effect upon final passage and publication according to law.

A motion was made by Noone, seconded by Klimko, to introduce Ordinance 2017-04.

ROLL CALL: Noone, Klimko, Heinrich, Jones, Thompson, Valle, Higgins
Ayes: 7 Nays: 0
Motion Carried

Discussion

J. Gleba explained the ordinance and discussed the various sections of the ordinance with Council, Lieutenant Teter, R. Bescherer and M. Hall.

A motion was made by Noone, seconded by Klimko, to table the introduction of Ordinance 2017-04 pending attorney clarification.

ROLL CALL: Noone, Klimko, Heinrich, Jones, Thompson, Valle, Higgins
Ayes: 7 Nays: 0
Motion Carried

INTRODUCTION OF THE 2017 MUNICIPAL BUDGET

A motion was made by Jones, seconded by Thompson, to introduce the 2017 Municipal Budget as presented.

ROLL CALL: Jones, Thompson, Heinrich, Klimko, Noone, Valle, Higgins

Ayes: 7 Nays: 0

Motion Carried

The Clerk stated notice is hereby given that the budget and tax resolution was approved by the Governing Body of the Borough of Washington, County of Warren on March 7, 2017. The hearing on the budget and tax resolution will be held at Borough Hall on April 4, 2017 at 7:00 pm at which time and place objections to said budget and tax resolution for the year 2017 may be presented by tax payers or other interested persons.

A motion was made by Heinrich, seconded by Klimko to approve the public hearing of the final adoption of the 2017 Municipal Budget. N. Turchan stated the amount of municipal taxes collected will remain the same as last year.

ROLL CALL: Heinrich, Klimko, Jones, Noone, Thompson, Valle, Higgins

Ayes: 7 Nays: 0

Motion Carried

N. Turchan left the meeting at 9:08 pm.

NEW BUSINESS

Resolution 2017-56 – Resolution for Redemption of Tax Certificate as per NJSA 54:5 – Block 2.06, Lot 16

RESOLUTION #56-2017

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 16, 2015 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$1,066.61 for taxes or other municipal liens assessed for the year 2014 in the name of Jacobs, Mark supposed owner, and in said assessment and sale were described as 317 North Prospect St., Block 2.06 Lot 16, which sale was evidenced by certificate #15-00001; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-13-17 and before the right to redeem was cut off, as provided by law, Comerica Bank on behalf of Corelogic Tax Service claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$2,330.86 which is the amount necessary to redeem Tax Sale Certificate #15-00001.

NOW THEREFORE BE IT RESOLVED, on this 7th day of March, 2017 by the Mayor and Council

of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$4,730.86** (This consists of \$2,330.86 Certificate Amount redeemed + \$2,400.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 2.06 Lot 16 from the tax office records.

Resolution 2017-56 was moved on a motion by Jones, seconded by Heinrich, and approved.

ROLL CALL: Jones, Heinrich, Klimko, Noone, Thompson, Valle, Higgins

Ayes: 7; Nays: 0

Motion Carried

Resolution 2017-57 – Resolution for Redemption of Tax Certificate as per NJSA 54:5 – Block 43, Lot 2

RESOLUTION #57-2017
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$174.06 for taxes or other municipal liens assessed for the year 2015 in the name of Nobile, Thomas supposed owner, and in said assessment and sale were described as 20 North Pickel Avenue, Block 43 Lot 2, which sale was evidenced by certificate #16-00039; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-14-17 and before the right to redeem was cut off, as provided by law, EastWest Bank on behalf of Lereta Tax Service claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$11,692.10 which is the amount necessary to redeem Tax Sale Certificate #16-00039.

NOW THEREFORE BE IT RESOLVED, on this 7th day of March, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$12,192.10** (This consists of \$11,692.10 Certificate Amount redeemed + \$500.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 43 Lot 2 from the tax office records.

Resolution 2017-57 was moved on a motion by Jones, seconded by Heinrich, and approved.

ROLL CALL: Jones, Heinrich, Klimko, Noone, Thompson, Valle, Higgins

Ayes: 7; Nays: 0
Motion Carried

Resolution 2017-58 – Resolution for Redemption of Tax Certificate as per NJSA 54:5 – Block 44, Lot 34.11

RESOLUTION #58-2017
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$669.06 for taxes or other municipal liens assessed for the year 2015 in the name of Ogwumike, J/Lawal, AK/Odukwu, KP as supposed owners, and in said assessment and sale were described as 2 Heather Hill Road, Block 44 Lot 34.11, which sale was evidenced by certificate #16-00041; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-23-17 and before the right to redeem was cut off, as provided by law, EastWest Bank on behalf of Lereta Tax Service claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,359.37 which is the amount necessary to redeem Tax Sale Certificate #16-00041.

NOW THEREFORE BE IT RESOLVED, on this 7th day of March, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$2,859.37** (This consists of \$1,359.37 Certificate Amount redeemed + \$1,500.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 44 Lot 34.11 from the tax office records.

Resolution 2017-58 was moved on a motion by Jones, seconded by Heinrich, and approved.

ROLL CALL: Jones, Heinrich, Klimko, Noone, Thompson, Valle, Higgins
Ayes: 7; Nays: 0
Motion Carried

Resolution 2017-59 – Resolution for Redemption of Tax Certificate as per NJSA 54:5 – Block 101, Lot 15.34

RESOLUTION #59-2017
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to FWDSL &

Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$336.09 for taxes or other municipal liens assessed for the year 2015 in the name of Metcalf, Agnes as supposed owner, and in said assessment and sale were described as 112 Lenape Trail, Block 101 Lot 15.34, which sale was evidenced by certificate #16-00083; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-23-17 and before the right to redeem was cut off, as provided by law, EastWest Bank on behalf of Lereta Tax Service claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,019.74 which is the amount necessary to redeem Tax Sale Certificate #16-00083.

NOW THEREFORE BE IT RESOLVED, on this 7th day of March, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$2,019.74** (This consists of \$1,019.74 Certificate Amount redeemed + \$1,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 101 Lot 15.34 from the tax office records.

Resolution 2017-59 was moved on a motion by Jones, seconded by Heinrich, and approved.

ROLL CALL: Jones, Heinrich, Klimko, Noone, Thompson, Valle, Higgins

Ayes: 7; Nays: 0

Motion Carried

Resolution 2017-60 – Resolution for Redemption of Tax Certificate as per NJSA 54:5 – Block 2.10, Lot 1

RESOLUTION #60-2017
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$501.09 for taxes or other municipal liens assessed for the year 2015 in the name of Manalo, Ramone D & Pamela as supposed owners, and in said assessment and sale were described as 10 Alvin Sloan Avenue, Block 2.10 Lot 1, which sale was evidenced by certificate #16-00003; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-23-17 and before the right to redeem was cut off, as provided by law, Seterus on behalf of Lereta Tax Service claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,188.04 which is the amount necessary to redeem Tax Sale Certificate #16-00003.

NOW THEREFORE BE IT RESOLVED, on this 7th day of March, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$2,688.04** (This consists of \$1,188.04 Certificate Amount redeemed + \$1,500.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 2.10 Lot 1 from the tax office records.

Resolution 2017-60 was moved on a motion by Jones, seconded by Heinrich, and approved.

ROLL CALL: Jones, Heinrich, Klimko, Noone, Thompson, Valle, Higgins

Ayes: 7; Nays: 0

Motion Carried

Resolution 2017-61 – Resolution for Redemption of Tax Certificate as per NJSA 54:5 – Block 2.06, Lot 6

RESOLUTION #61-2017
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$568.23 for taxes or other municipal liens assessed for the year 2015 in the name of Domenic, Jeffrey A & Meribeth I as supposed owners, and in said assessment and sale were described as 351 North Prospect Street, Block 2.06 Lot 6, which sale was evidenced by certificate #16-00002; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-23-17 and before the right to redeem was cut off, as provided by law, Select Portfolio on behalf of Lereta Tax Service claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,103.15 which is the amount necessary to redeem Tax Sale Certificate #16-00002.

NOW THEREFORE BE IT RESOLVED, on this 7th day of March, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$2,603.15** (This consists of \$1,103.15 Certificate Amount redeemed + \$1,500.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 2.06 Lot 6 from the tax office records.

Resolution 2017-61 was moved on a motion by Jones, seconded by Heinrich, and approved.

ROLL CALL: Jones, Heinrich, Klimko, Noone, Thompson, Valle, Higgins
Ayes: 7; Nays: 0
Motion Carried

Resolution 2017-62 – Resolution for Redemption of Tax Certificate as per NJSA 54:5 – Block 2, Lot 9

RESOLUTION #62-2017
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$397.18 for taxes or other municipal liens assessed for the year 2015 in the name of Kansky, Glenn D. & Christina G. as supposed owners, and in said assessment and sale were described as 4 Miller Avenue, Block 2 Lot 9, which sale was evidenced by certificate #16-00001; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-23-17 and before the right to redeem was cut off, as provided by law, Seterus on behalf of Lereta Tax Service claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,082.05 which is the amount necessary to redeem Tax Sale Certificate #16-00001.

NOW THEREFORE BE IT RESOLVED, on this 7th day of March, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$2,382.05** (This consists of \$1,082.05 Certificate Amount redeemed + \$1,300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 2 Lot 9 from the tax office records.

Resolution 2017-62 was moved on a motion by Jones, seconded by Heinrich, and approved.

ROLL CALL: Jones, Heinrich, Klimko, Noone, Thompson, Valle, Higgins
Ayes: 7; Nays: 0
Motion Carried

Resolution 2017-63 – Resolution for Redemption of Tax Certificate as per NJSA 54:5 – Block 29, Lot 1

RESOLUTION #63-2017
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$397.18 for taxes or other municipal liens assessed for the year 2015 in the name of Grasso, Debra J as supposed owner, and in said assessment and sale were described as 11 East Stewart Street, Block 29 Lot 1, which sale was evidenced by certificate #16-00032; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-23-17 and before the right to redeem was cut off, as provided by law, USDA claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,188.04 which is the amount necessary to redeem Tax Sale Certificate #16-00032.

NOW THEREFORE BE IT RESOLVED, on this 7th day of March, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$2,488.04** (This consists of \$1,188.04 Certificate Amount redeemed + \$1,300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 29 Lot 1 from the tax office records.

Resolution 2017-63 was moved on a motion by Jones, seconded by Heinrich, and approved.

ROLL CALL: Jones, Heinrich, Klimko, Noone, Thompson, Valle, Higgins
Ayes: 7; Nays: 0
Motion Carried

Resolution 2017-64 – Resolution for Redemption of Tax Certificate as per NJSA 54:5 – Block 6, Lot 1.01

RESOLUTION #64-2017
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920, in the amount of \$172.62 for taxes or other municipal liens assessed for the year 2015 in the name of Callahan, Michael supposed owner, and in said assessment and sale were described as 29 Kinnaman Ave., Block 6 Lot 1.01, which sale was evidenced by Certificate #16-00008; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-23-17 and before the right to redeem was cut off, as provided by law, USDA, claiming to have an interest in said lands, did redeem said lands claimed by JU Solo 401K Trust by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$849.52 which is the amount necessary to redeem Tax Sale

Certificate #16-00008.

NOW THEREFORE BE IT RESOLVED, on this 7th day of March, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920 in the **amount of \$949.52** (This amount consists of \$849.52 Certificate Amount redeemed + \$100.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 6 Lot 1.01 from the tax office records.

Resolution 2017-64 was moved on a motion by Jones, seconded by Heinrich, and approved.

ROLL CALL: Jones, Heinrich, Klimko, Noone, Thompson, Valle, Higgins
Ayes: 7; Nays: 0
Motion Carried

Resolution 2017-65 – Resolution for Redemption of Tax Certificate as per NJSA 54:5 – Block 98, Lot 45

RESOLUTION #65-2017
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to US Bank Cust for Pro Capital 5 Sterling National, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$336.09 for taxes or other municipal liens assessed for the year 2015 in the name of Yawger, Matthew & Snyder, Jenifer as supposed owners, and in said assessment and sale were described as 43 S Wandling Avenue, Block 98 Lot 45 , which sale was evidenced by Certificate #16-00080; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-23-17 and before the right to redeem was cut off, as provided by law, Seterus on behalf of Lereta Tax Service claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust for Pro Capital 5 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$868.03 which is the amount necessary to redeem Tax Sale Certificate #16-00080.

NOW THEREFORE BE IT RESOLVED, on this 7th day of March, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust for Pro Capital 5 Sterling National, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$1,368.03** (This amount consists of \$868.03 Certificate Amount redeemed + \$500.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 98 Lot 45 from the tax office records.

Resolution 2017-65 was moved on a motion by Jones, seconded by Heinrich, and approved.

ROLL CALL: Jones, Heinrich, Klimko, Noone, Thompson, Valle, Higgins
Ayes: 7; Nays: 0
Motion Carried

Resolution 2017-66 – Resolution for Redemption of Tax Certificate as per NJSA 54:5 – Block 98, Lot 28

RESOLUTION #66-2017
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to US Bank Cust for Pro Capital 5 Sterling National, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$336.09 for taxes or other municipal liens assessed for the year 2015 in the name of Rowlands, William & Kristin H. as supposed owners, and in said assessment and sale were described as 78 S Lincoln Avenue, Block 98 Lot 28, which sale was evidenced by Certificate #16-00077; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-28-17 and before the right to redeem was cut off, as provided by law, EastWest Bank on behalf of Lereta Tax Service claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust for Pro Capital 5 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,019.71 which is the amount necessary to redeem Tax Sale Certificate #16-00077.

NOW THEREFORE BE IT RESOLVED, on this 7th day of March, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust for Pro Capital 5 Sterling National, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$1,719.71** (This amount consists of \$1,019.71 Certificate Amount redeemed + \$700.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 98 Lot 28 from the tax office records.

Resolution 2017-66 was moved on a motion by Jones, seconded by Heinrich, and approved.

ROLL CALL: Jones, Heinrich, Klimko, Noone, Thompson, Valle, Higgins
Ayes: 7; Nays: 0
Motion Carried

Resolution 2017-67 – Resolution for Redemption of Tax Certificate as per NJSA 54:5 – Block 33, Lot 1

RESOLUTION #67-2017
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920, in the amount of \$656.90 for taxes or other municipal liens assessed for the year 2015 in the name of Deutsche Bank National Trust supposed owner, and in said assessment and sale were described as 160-162 Belvidere Ave., Block 33 Lot 1, which sale was evidenced by Certificate #16-00034; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-28-17 and before the right to redeem was cut off, as provided by law, EastWest Bank on behalf of Lereta Tax Service, claiming to have an interest in said lands, did redeem said lands claimed by JU Solo 401K Trust by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,976.00 which is the amount necessary to redeem Tax Sale Certificate #16-00034.

NOW THEREFORE BE IT RESOLVED, on this 7th day of March, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920 in the **amount of \$3,076.00** (This amount consists of \$1,976.00 Certificate Amount redeemed + \$1,100.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 33 Lot 1 from the tax office records.

Resolution 2017-67 was moved on a motion by Jones, seconded by Heinrich, and approved.

ROLL CALL: Jones, Heinrich, Klimko, Noone, Thompson, Valle, Higgins

Ayes: 7; Nays: 0

Motion Carried

Resolution 2017-68 – Resolution for Redemption of Tax Certificate as per NJSA 54:5 – Block 97.03, Lot 7

RESOLUTION #68-2017
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$1,066.61 for taxes or other municipal liens assessed for the year 2015 in the name of Goddard, Ryan E. supposed owner, and in said assessment and sale were described as 25 Nunn Ave., Block 97.03 Lot 7, which sale was evidenced by certificate #16-00072; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-28-17 and before the right to redeem was cut off, as provided by law, Select Portfolio on behalf of Lereta

Tax Service claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,019.74 which is the amount necessary to redeem Tax Sale Certificate #16-00072.

NOW THEREFORE BE IT RESOLVED, on this 7th day of March, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$2,019.74** (This consists of \$1,019.74 Certificate Amount redeemed + \$1,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 97.03 Lot 7 from the tax office records.

Resolution 2017-68 was moved on a motion by Jones, seconded by Heinrich, and approved.

ROLL CALL: Jones, Heinrich, Klimko, Noone, Thompson, Valle, Higgins
Ayes: 7; Nays: 0
Motion Carried

Resolution 2017-69 – A Resolution Fixing the Salary and Wages for Certain Municipal Officials

RESOLUTION # 2017-69 **A RESOLUTION FIXING THE SALARY AND WAGES** **OF CERTAIN MUNICIPAL OFFICIALS**

WHEREAS; the Borough of Washington (“Borough”) and the Communications Workers of America, AFL-CIO (“Union”) engaged in negotiations and approved a successor Collective Negotiations Agreement (“Agreement”) for 2016-2018; and

WHEREAS; the Mayor and Council of the Borough of Washington wish to extend salary increases negotiated therein to non-union classified and unclassified employees not covered by other agreements or by the unclassified salary schedule herein;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey:

1. Terminated employees shall not receive increases.
2. Health benefit deductions shall be paid at the full rate effective 1/1/2017.
3. Salaries for employees listed separately below shall be as follows:

UNCLASSIFIED SERVICE SALARY SCHEDULE

POSITION TITLE
Borough Manager

SALARY OR WAGE RANGE
\$83,000/AN

Clerk	\$50.00/Hr.
Mayor	\$3,500.00
Councilmember	\$3,000.00

Resolution 2017-69 was moved on a motion by Jones, seconded by Thompson, and approved.

ROLL CALL: Jones, Thompson, Heinrich, Klimko, Noone, Valle
Ayes: 6; Nays: 0; Abstain: 1 (Higgins)
Motion Carried

Resolution 2017-70 – A Resolution Authorizing the Transfer of Reserve Appropriations

RESOLUTION #2017-70

A RESOLUTION AUTHORIZING THE TRANSFER OF RESERVE APPROPRIATIONS

WHEREAS, N.J.S.A. 40A: 4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made by not less the 2/3 vote of the full membership of the governing body from unexpended balances which are expected to be sufficient to accounts with insufficient appropriation balances during the first three months of the succeeding year; and

WHEREAS, the Borough Manager and the Chief Financial Officer have determined that excess appropriations do exist in some accounts and there is a need for supplemental appropriations in other accounts.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following appropriation transfers are hereby approved:

<u>Transfer From:</u>	<u>Transfer To:</u>	<u>Amount:</u>
MAYOR Other Expenses	GENERAL ADMINISTRATION Other Expenses	\$1,300.00
PLANNING BOARD Other Expenses	ZONNING BOARD Other Expenses	\$1,000.00
STREETS AND ROADS Salaries and Wages	TAX ASSESSOR Salaries and Wages	\$1,000.00
STREETS AND ROADS Salaries and Wages	EMERGENCY MANAGEMENT Salaries and Wages	\$100.00
TOTALS OF ALL TRANSFERS		\$3,400.00

Resolution 2017-70 was moved on a motion by Heinrich, seconded by Thompson, and approved.

ROLL CALL: Heinrich, Thompson, Jones, Klimko, Noone, Valle, Higgins

Ayes: 7; Nays: 0

Motion Carried

Resolution 2017-71 – Resolution Authorizing the Borough of Washington to Enter into a Cooperative Pricing Agreement

RESOLUTION 2017-71

**RESOLUTION AUTHORIZING THE BOROUGH OF WASHINGTON
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Educational Services Commission of New Jersey, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on March 7, 2017, the Governing Body of the Borough of Washington, County of Warren, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Washington.

AUTHORITY

Pursuant to the provisions of **N.J.S.A. 40A:11-11(5)**, the Borough Manager is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (**N.J.S.A. 40A:11-1 et seq.**) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

Mayor Higgins and M. Hall explained this resolution is to purchase equipment for the Department of Public Works.

Resolution 2017-71 was moved on a motion by Noone, seconded by Klimko, and approved.

ROLL CALL: Noone, Klimko, Heinrich, Jones, Thompson, Valle, Higgins
Ayes: 7; Nays: 0
Motion Carried

Resolution 2017-73 – Resolution Appointing a Member to the Recreation Commission (full member)

**RESOLUTION 2017-73
RESOLUTION APPOINTING A MEMBER TO THE
RECREATION COMMISSION**

WHEREAS, the Borough of Washington, Warren County, New Jersey is governed by Plan “E” of Municipal Charter Law; and

WHEREAS, under this plan, the Mayor of the Borough is to appoint the members of the Library Board of Trustees for Washington Borough with the consent of the Borough Council; and

WHEREAS, the Mayor has designated the following person as his appointee:

Dena Parichuk

WHEREAS, the Borough Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the above named person is appointed to the Recreation Commission for a term ending **12/31/2020**.

Resolution 2017-73 was moved on a motion by Noone, seconded by Thompson, and approved.

Ayes: 7; Nays: 0
Motion Carried

Resolution 2017-74 – Resolution Appointing a Member to the Recreation Commission

**RESOLUTION 2017-74
RESOLUTION APPOINTING A MEMBER TO THE
RECREATION COMMISSION**

WHEREAS, the Borough of Washington, Warren County, New Jersey is governed by Plan “E” of Municipal Charter Law; and

WHEREAS, under this plan, the Mayor of the Borough is to appoint the members of the Library Board of Trustees for Washington Borough with the consent of the Borough Council; and

WHEREAS, the Mayor has designated the following person as his appointee:

Adam Robinson

WHEREAS, the Borough Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the above named person is appointed to the Recreation Commission for a term ending **12/31/2021**.

Resolution 2017-74 was moved on a motion by Jones, seconded by Thompson, and approved.

Ayes: 7; Nays: 0

Motion Carried

Resolution 2017-75 – Resolution Appointing a Member to the Library Board of Trustees

**RESOLUTION 2017-75
RESOLUTION APPOINTING A MEMBER TO THE
LIBRARY BOARD OF TRUSTEES**

WHEREAS, the Borough of Washington, Warren County, New Jersey is governed by Plan “E” of Municipal Charter Law; and

WHEREAS, under this plan, the Mayor of the Borough is to appoint the members of the Library Board of Trustees for Washington Borough with the consent of the Borough Council; and

WHEREAS, the Mayor has designated the following person as his appointee:

Jeannine Gleba

WHEREAS, the Borough Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the above-named person is appointed to the Library Board of Trustees for a term ending **12/31/2019**.

Resolution 2017-75 was moved on a motion by Noone, seconded by Jones, and approved.

Ayes: 7; Nays: 0

Motion Carried

A motion was made by Noone, seconded by Jones, to amend the Borough’s Agreement with Special Auditing firm Bedard and Kurowicki to an amount not to exceed \$17,000.

ROLL CALL: Noone, Jones, Heinrich, Klimko, Thompson, Valle, Higgins
Ayes: 7; Nays: 0
Motion Carried

VOUCHERS

A motion was made by Thompson, seconded by Heinrich, to approve the vouchers and claims in the amount of \$935,131.14.

Discussion

Councilwoman Valle questioned the garbage invoices and 2016 invoices. M. Hall explained.

ROLL CALL: Thompson, Heinrich, Jones, Klimko, Noone, Valle, Higgins
Ayes: 7; Nays: 0; Abstentions: 1 (Thompson – Fire and EMS Only)
Motion Carried

MEETING RECAP

M. Hall will follow-up with Attorney Parikh on the changes and questions to Ordinance 2017-04, meet with the Library Board to prioritize their expenses, look into the Agreement with the County for use of equipment, and draft a letter of Council's support for Mr. Arrington.

COUNCIL REMARKS

Councilwoman Noone thanked the DPW for the work they did cleaning out the catch basin and thanked the Manager for getting the culvert on Route 31 cleaned.

Mayor Higgins congratulated the Jr. Streaks on being World and National Champions.

ADJOURNMENT

Hearing no further business, a motion was made by Heinrich, seconded by Valle, to adjourn the meeting at 9:23 pm.

Ayes: 7 Nays: 0
Motion Carried

Mayor David Higgins

Ann Kilduff, RMC Borough Clerk